

Exhibit “1”

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 04-3616

DRUKER V. THOMAS JEFFERSON

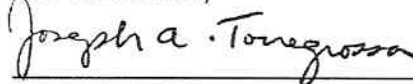
NOTICE OF ASSIGNMENT FOR MEDIATION

This matter has been assigned for mediation and Joseph A. Torregrossa, Program Director, will be the Mediator, pursuant to Local Rule LAR 33.0 for the United States Court of Appeals for the Third Circuit, amended January 1, 2000.

A mediation session has been scheduled for **11:00 A.M., WEDNESDAY, JANUARY 5, 2005**, in Room 20716, at the U. S. Courthouse, 601 Market Street, Philadelphia, Pennsylvania 19106-1720. The attorney in charge of the appeal for each of the parties, **AND THE PARTIES THEMSELVES**, are required to attend and must be prepared to discuss settlement. In the case of corporate entities, the corporate official with settlement authority is required to attend. In addition, where an insurance company is involved, a representative of the insurance company must also attend the mediation. If a person (other than counsel) is required to attend but lives more than 150 miles from the mediation location, this person is permitted to participate by telephone. Counsel and the parties should be prepared to spend at least 2 to 3 hours for this mediation.

The Rule also states that **POSITION PAPERS ARE DUE 15 DAYS FROM DATE OF NOTICE**; therefore, counsel are directed to forward confidential position papers not longer than 10 pages directly to the Mediator at the address referred to above **ON OR BEFORE NOVEMBER 15, 2004**. Position Papers can be either mailed, hand delivered or faxed (**if faxed, DO NOT send a hard copy**). You must identify each and every person who has authority to settle in a letter along with your position papers and whether that person(s) will appear in person or by telephone. Enclosed for your information are instructions regarding confidential position papers. If you have questions regarding the position papers or mediation session, please contact the Program Administrator, Carol Giordano, at (267) 299-4131, or visit our web site at www.ca3.uscourts.gov and click on "Mediation."

For the Court,



Joseph A. Torregrossa
Program Director
Phone: (267) 299-4130
Fax: (267) 299-4134

Date: October 29, 2004

cc: Teri B. Himebaugh, Esquire
Robert M. Goldich, Esquire
Carol M. Austin, Esquire ✓

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

APPELLATE MEDIATION PROGRAM

INSTRUCTIONS TO COUNSEL REGARDING CONFIDENTIAL POSITION PAPERS

The enclosed Notice of Assignment For Mediation instructs counsel to forward confidential position papers to the Mediator within 15 days. This requirement is pursuant to the 3rd Circuit Local Appellate Rule L.A.R 33.0 amended January 1, 2000. The relevant language of the Rule states as follows:

"Within fifteen days of the case's selection for mediation, each counsel shall prepare and submit to the mediator a confidential position paper of no more than ten pages, stating counsel's views on the key facts and legal issues in the case The position paper will include a statement on motions filed in the Court of Appeals and their status"

In preparing your position paper, the most important thing to keep in mind is that the paper is being sent **TO THE MEDIATOR ONLY**. Your position paper will be kept confidential unless you consent to having it shown to opposing counsel.

You should assume that the Mediator is familiar with the legal issues in the case and has read the opinion of the court or agency below. Therefore, you should devote most of your position statement to explaining your client's views on settlement. Can the dispute be settled for money? If so, what is your client's range? What other issues, if any, will have to be resolved in order to settle the case? What prior settlement discussions have been held, and what has been their outcome? What are the expected costs and fees to be expended in connection with the appeal? Is there any insurance coverage which relates to any of the claims in the case? Answers to these questions will be more valuable to the Mediator than a brief on the merits.

Of course, you may comment on the merits of your case, but even here the focus should be on how the merits may impact settlement. For example, does the case raise legal issues for your client that will impact beyond the present dispute? Which of your opponent's arguments do you regard as the most difficult to rebut?

There is no formal form for position papers—you may prepare as a letter, memorandum or in a motion-type form. The Court of Appeals caption and number should be on your paper.

Finally, if you have any questions about your position paper, feel free to contact either the Mediator or the Program Director prior to its submission, or visit our web site at <http://www.ca3.uscourts.gov> and click on "Mediation."

Joseph A. Torregrossa
Program Director